

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

LAWRENCE STREETMAN,

*Plaintiff,*

v.

BAYLOR UNIVERSITY,

*Defendant.*

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CIVIL ACTION NO. 19-539

**DEFENDANT BAYLOR UNIVERSITY'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW, Defendant, Baylor University ("Baylor") and files this Notice of Removal. As grounds for removal, Baylor states as follows:

1. Baylor is the defendant in a civil action filed in the 74<sup>th</sup> Judicial District Court of the State of Texas, McLennan County, entitled *Lawrence Streetman v. Baylor University*, Cause No. 2019-2802-3. A true and correct copy of all process, pleadings and orders and other filings in the state court action are being filed with this notice as required by 28 U.S.C. §1446(a) and are attached hereto as Exhibit A.

2. Plaintiff filed his Original Petition on August 8, 2019 in the 74<sup>th</sup> Judicial District Court of McLennan County, Texas. Baylor's general counsel was served with the original petition on August 20, 2019. This notice of removal is filed within 30 days of receipt of the petition and citation and therefore timely under 28 U.S.C. §1446(b).

3. McLennan County is located within the Western District of Texas. Removal is warranted under 28 U.S.C. § 1441(c) because this Court has jurisdiction over this action under 28 U.S.C. § 1331.

4. Plaintiff alleges that he suffered damages as a result of his termination of employment at Baylor. (Orig. Pet. at p. 6). Plaintiff claims that Defendant is liable for damages resulting from Defendant's termination of Plaintiff's employment. (Orig. Pet. at p. 9).

5. Defendant denies each and every allegation and demands strict proof thereof.

**I. Removal Is Proper Because This Court Has Subject-Matter Jurisdiction Pursuant to 28 U.S.C. §§ 1331 and 1441.**

6. The district courts of the United States have original jurisdiction over this action based on federal-question jurisdiction. 28 U.S.C. §1331. Plaintiff has asserted certain claims for damages against Defendant. Therefore, this Court has subject-matter jurisdiction pursuant to §§ 1331 and 1441 because this is a civil action arising under the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 1331. Therefore, removal of this action to this Court is proper pursuant to 28 U.S.C. §1441(b).

7. Under 28 U.S.C. §1441(a), venue of the removed action is proper in this, the United States District Court, Western District of Texas, Waco Division, as it is the district and division embracing the place where the state action is pending.

8. Specifically, Plaintiff asserts federal claims under the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12102 *et seq.* (Orig. Pet. at 8). Accordingly, this Court has subject-matter jurisdiction and this cause is removable pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

9. Moreover, because this Court's jurisdiction over the ADA claims is founded on 28 U.S.C. § 1331, this Court has supplemental jurisdiction over all other claims, which form part of the same case or controversy. *See* 28 U.S.C. § 1367(a).

**II. Defendant Has Satisfied the Procedural Requirements.**

10. Defendant filed this Notice of Removal within thirty days of service.

11. The 74<sup>th</sup> Judicial District Court of McLennan County, Texas is located within the Western District of Texas, Waco Division. *See* 28 U.S.C. § 1441(a).

12. As the only named defendant in this lawsuit, Defendant need not obtain the consent of any other parties to remove this action. *See Gillis v. Louisiana*, 294 F.3d 755, 759 (5th Cir. 2002) (stating general rule that, in order to properly remove under § 1446, “all served defendants must join in the removal petition”).

13. No previous application has been made for the relief requested herein.

14. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff, pro se, and a copy is being filed with the District Clerk for the 74<sup>th</sup> Judicial District Court of McLennan County, Texas.

WHEREFORE, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. §1446, Defendant respectfully removes this case entitled *Lawrence Streetman v. Baylor University*; Cause No. No. 2019-2802-3, from the 74<sup>th</sup> Judicial District Court of McLennan County, Texas, to this Court.

Respectfully Submitted,

BICKERSTAFF HEATH DELGADO ACOSTA  
LLP

By: /s/ Vanessa Gonzalez

Vanessa Gonzalez

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**COUNSEL FOR DEFENDANT  
BAYLOR UNIVERSITY**

**CERTIFICATE OF SERVICE**

I, Vanessa Gonzalez, hereby certify that on September 12, 2019 a copy of the foregoing Notice of Removal was served by U.S. Mail, Postage Prepaid, and/or Certified Mail, Return Receipt Requested, and /or email as follows:

**Via Certified Mail, Return Receipt Requested and Regular Mail**

Lawrence Streetman  
102 N. 2<sup>nd</sup> Street, Apt. 2  
Richmond, KY 40475  
***Pro Se Plaintiff***

/s/ Vanessa Gonzalez  
Vanessa Gonzalez